

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

GAD – Services Welfare – Action to be taken on the employees, who participate in the agitation programmes like “Strikes”, “Bandhs”, “Pen Down, Chalk Down and Tool Down”, “Non-Cooperation” etc., by signing in the attendance registers and not attending official work – Orders – Issued.

GENERAL ADMINISTRATION (SW.I) DEPARTMENT

G.O.Ms.No. 177.

Dated:13-4-2011.

Read:

G.O.Ms.No.220, GA (SW) Department, dt.3-6-1995.

ORDER:

In the recent experiences, it was noticed that unconventional and innovative agitation programmes like “Pen Down, Chalk Down and Tool Down” and “Non-Cooperation” are being resorted to by the Employees’ Organizations / Associations in the State for achieving their demands. It was also noticed that most of the employees are signing in the attendance registers and not attending the official work during such agitation programmes. In view of recent experiences and the difficulties faced by the Government as well as public and in the interest of public, a necessity has arisen to issue certain instructions to face such unconventional and innovative agitation programmes in future.

2. The Government vide G.O.read above, already directed that the “No Work – No Pay” policy shall be strictly adopted henceforth. Further, Government made certain rules by name “Andhra Pradesh Civil Services (Conduct) Rules, 1964”, for regulating the conduct of Government Employees. Government also made certain rules by name “Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991”, prescribing the procedure to be followed for initiating disciplinary action against the Government Employees for violation of the said Conduct Rules.

3. The Supreme Court in Buckingham Carnatic Company Limited vs. Workers of the Buckingham Carnatic Company Limited (AIR 1953 SC 47) held that cessation of work by large number of workers for few hours as a result of consorted action will amount to strike. The Supreme Court in B.R.Singh vs. Union of India [1989 (4) SCC 710] held that strike in a given situation is only a form of demonstration. There are different modes of demonstrations like go slow, sit in, work to rule, absenteeism etc., and strike is one such mode of demonstration by workers for their rights. The Supreme Court in T.R.Rangarajan vs. Government of Tamilnadu (AIR 2003 SC 3032) held that Government Servant has no right to go on strike neither fundamental nor statutory nor moral. The Apex Court further held that apart from statutory rights, Government Employees cannot claim that they can take the society at ransom by going on strike. Even if there is injustice to some extent, as presumed by such employees in a Democratic Welfare State, they have to resort to the machinery provided under different statutory provisions for redressal of their grievances. Strike as a weapon is mostly misused which results in chaos and total maladministration. Strike affects the society as a whole in society where there is large scale unemployment and number of qualified persons are eagerly waiting for employment. In Government Departments or in Public Sector Undertakings, strike cannot be justified on any equitable grounds. For redressing their grievances instead of going on strike, if employees do some more work honestly, diligently and efficiently, such gesture would not only be appreciated by the authority, but also by people at large.

(PTO)

4. Accordingly, the Government, after careful examination of the matter, hereby order the authorities concerned to take following actions in respect of the unconventional and different types of agitation programmes like “Strikes”, “Bandhs”, “Pen Down, Chalk Down and Tool Down”, “Non-Cooperation” etc., if any take place in future, without waiting for further orders from the Government:-

- i) furnish day-to-day reports on agitation programme to the Government by fax (Fax No.040-23454810) or e-mail to secy_serv_gad@ap.gov.in of the Secretary to Government (Services), General Administration Department;
- ii) monitor the employees, who sign in the attendance register and do not attend the normal work during the agitation period and maintain record of such employees;
- iii) give protection to the employees, who are attending to the duties, without participating in the agitation programme;
- iv) take necessary action to initiate criminal action on the employees / groups, who disturb the employees on duty during the agitation programmes;
- v) initiate suitable disciplinary action against the employees, who participate in activities like playing games, beating drums and other disturbing activities in the premises of the offices during the agitation period, which effect the decency and decorum of the Government;
- vi) adopt the “No work – No pay” policy strictly and treat the period of agitation programme in respect of the employees, who participate in the agitations, as “Not Duty” and no pay and allowances shall be admissible for that period;
- vii) initiate suitable disciplinary action against the employees, who participate in the agitation programme, as per the procedure laid down in Andhra Pradesh Civil Services (CCA) Rules, 1991, for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964;

5. These orders shall be communicated to all the employees in the State and placed on the notice boards of the offices concerned.

6. The Departments of Secretariat / Heads of Departments / District Collectors shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.V.PRASAD
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat.
All the Heads of Departments.
All the District Collectors.

Copy to:

The Accountant General, AP, Hyderabad.
The Director of Treasuries and Accounts, AP, Hyderabad.
The Pay and Accounts Officer, AP, Hyderabad.
The JAC of Employees, Teachers, Workers and Pensioners, AP, Hyderabad.
The JAC of Telangana Employees, Teachers and Workers, Hyderabad.
The PS to Spl.Chief Secretary to CM.
The PS to Chief Secretary to Government.
The PS to Spl.Chief Secretary to Government, Finance Department.
The PS to Secretary to Government (LA), Law Department.
The PS to Secretary to Government (Services & HRM), GAD.
The PA to Joint Secretary to Government (SU), GAD.
SF/SCs

//FORWARDED BY ORDER//

SECTION OFFICER.